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60,130-1891  
03MRA0488

### REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1-9 and 11-26 are pending.

Claims 1-9 and 11-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over WO 99/54157 in view of *Szukay et al* (4,818,166). The Examiner admits that WO 99/54157 fails to disclose "crimping to form crimped areas at opposed locations." WO 99/54157 fails to disclose crimping to form crimped areas not only at opposed locations but, as previously discussed, WO 99/54157 fails to disclose pinched areas of any sort. WO 99/54157 specifically recites "The opposing ends are provided with mutually cooperation engagement portion which are similar to the previous embodiments." [See page 10, lines 5-6] WO 99/54157 specifically recites that the retaining assembly is "pressed (crimped) from the outside. This causes the U-shaped slack portion 30a to **EXTEND**, and the cooperating engagement portions to engage each other so that the retaining assembly is firmly attached to the stabilizer 1." [See page 10, lines 16-19; emphases added]

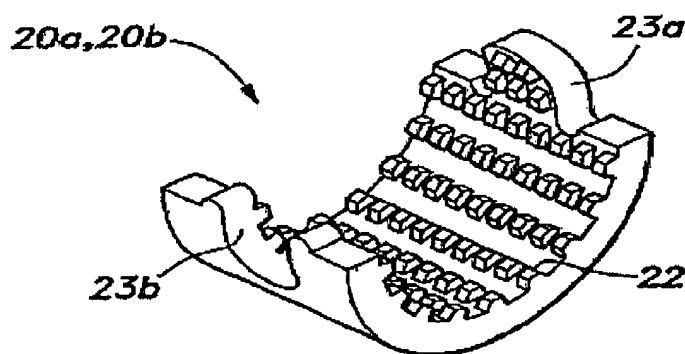
The Examiner argues that *Szukay et al* discloses "crimping at opposed locations." Initially, *Szukay et al* does not disclose "crimping" of the ring itself. *Szukay et al* requires a groove which becomes filled with the retaining ring which is plastically deformed inward. [See arrows 8 in Figure 3.] Importantly, the plastic deformation is directed INWARD toward the bar to *fill* the cross-section of the groove. A groove is required.

Realizing the inadequacy of *Szukay et al*, the Examiner attempts to correct the deficiency of WO 99/54157 by arguing that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the collar crimped at four locations as taught by *Szukay et al* in the device of WO 99/54157 in order to secure the ring to the shaft in a more robust manner than with one crimp location." Again, WO 99/54157 operates on a completely different principle than does *Szukay et al* or Applicant's invention. As described above, WO 99/54157 specifically recites that the retaining assembly is pressed from the outside such that the U-shaped slack portion 30a *extends*.

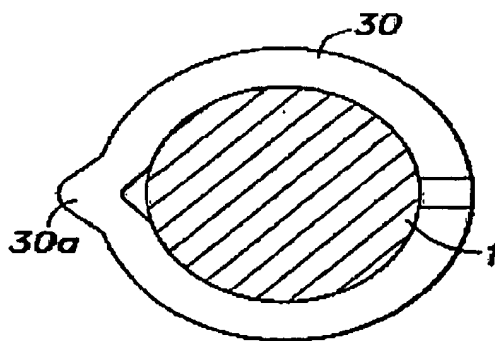
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As illustrated in Figure 7 of WO 99/54157, the U-shaped slack portion 30a is opposite an open portion to form the generally C-shaped profile in which the U-shaped slack portion 30a is formed in the middle section thereof [p. 10, lines 2-26]. In other words, WO 99/54157 provides a C-shaped profile having a U-shaped slack portion 30a opposite the opening of the C-shaped profile such that the retaining assembly 30 may be formed as a single member even before assembly.

*Fig. 6*



*Fig. 7*



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Providing a multiple of crimp locations as suggested by the Examiner is simply not applicable to the design of the retaining assembly 30 disclosed in WO 99/54157. Initially, this is because WO 99/54157 does not utilize crimping, but also because there must be an opening opposite each of the U-shaped slack portions 30a to provide operation and assembly as disclosed in WO 99/54157. In fact, it is this opening or cooperating engagement portions 23a, 23b which render the retaining assembly 30 operable. Of course, should there be more than one opening such as would be required by the Examiner's proposal, the retaining assembly 30 of WO 99/54157 would no longer be a single member. It is improper to modify the base reference in such a way that it ruins the goal or function of the base reference. The Examiner's proposed modification would not only ruin the goal of WO 99/54157 in providing a single member, but would also ruin the function as the multiple of slack portions 30a would require a multiple of opposite openings such that the attachment method disclosed by WO 99/54157 would be rendered inoperable. Again, under no proper interpretation may the slack portions 30a be considered a crimp as it extends during assembly.

Claims 2, 4, 5, 9-11, and 20-22 were rejected under 35 USC §103(a) as being unpatentable over WO 99/54157 in view of *Szukay et al.* Here, the Examiner admits that WO 99/54157 does not disclose various design details claimed. The Examiner then goes on to suggest that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the various design details claims as such as merely a design choice. These details have an insignificant impact on the functioning of the device." "The goal of examination is to clearly articulate any rejection early in the prosecution process so that the Applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity" [MPEP 706]. Applicant cannot specifically respond without support for the Examiner's rejection, and thus asks that the holding be dropped or more specific evidence be supplied.

Even if the combination were properly made - - which it is not - - there are differences between the claimed invention and the teachings of the cited references so that the combination does not meet the limitations of Applicant's claims.

Claim 2 recites that said generally elliptical outer perimeter comprises a clip end. Notably, the proposed references provide neither a generally elliptical outer perimeter nor a clip end thereof.

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Claim 4 recites wherein prior to being crimped, said anti-shift collar comprises a semi-circular inner perimeter portion with a first and second polygonal inner perimeter portion. The proposed combination provides no such first and second polygonal inner perimeter portion prior to being crimped. Notably, WO 99/54157 is of a C-shape and the *Szukay* reference includes only arcuate inner perimeter surfaces.

Claim 5 specifically recites wherein said pinched areas are formed in said first and said second polygonal inner perimeter portions. Claim 5 depends from claim 4 and, again, as the proposed combination fails to even disclose polygonal inner perimeter portions, the proposed combination fails to show pinched areas formed in those areas.

Claim 9 recites crimping the anti-shift collar on an outer perimeter adjacent a first and a second polygonal inner perimeter portion. As discussed above with regard to claim 5, such a crimping step is neither disclosed nor suggested by the proposed combination.

Claim 11 further recites crimping the anti-shift collar on an outer perimeter adjacent a clipped end to form the clipped end into a pinched area which reduces a clearance between a semi-circular inner perimeter portion of the anti-shift collar and the stabilizer bar. The proposed combination fails to disclose or suggest clipped ends which are formed into pinched areas that reduce a clearance between the anti-shift collar and the stabilizer bar. Notably, neither reference discloses such clipped ends.

Claims 20-22 also specifically recite various combinations of the features described above. These features are again neither disclosed nor suggested by the proposed combination.

In the Examiner's Response to Argument Section, the Examiner suggests that the U-shaped slack portion 30a is clearly a pinched area formed by the crimping process. This is incorrect. Notably, the Examiner does not recite the name of element 30a (U-shaped *slack portion*) because even the description utilized in WO 99/54157 specifically contradicts the Examiner's argument. That is, a slack portion which expands cannot properly be considered a crimp.

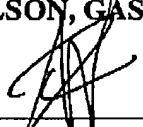
Furthermore, the U-shaped slack portion 30a exists prior to the crimping process and is not formed during assembly as argued by the Examiner. Again, Applicant refers the Examiner to WO 99/54157, p. 10, lines 16-19, in which the U-shaped slack portion 30a extends as a cooperating engagement portions are engaged with each other so as to attach the retaining assembly to the stabilizer bar.

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The Examiner further argues that "the use of the groove in *Szukay et al* is separate from the formation of the ring element. The groove, for instance, could be used with a ring with only one pinched area" [Office Action, p. 3]. The Examiner misses the point. Applicant references the groove of *Szukay* to describe how *Szukay* operates and how such operation is anathema to the operation and assembly of WO 99/54157. In other words, the references operate in such different ways that the Examiner's proposed combination at least ruins a goal of the base reference and potentially renders the base reference inoperable.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,  
CARLSON, GASKEY & OLDS, P.C.



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